

**FILED**

AUG 19 2011

Board of Vocational Nursing  
and Psychiatric Technicians

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**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2008-3217

**JAMES LOUIS MAHLOCH**  
**675 Cameron Way**  
**Susanville, CA 96130**  
**Vocational Nurse License No. VN 204387**

**A C C U S A T I O N**

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

**Vocational Nurse License**

2. On or about May 21, 2003, the Board issued Vocational Nurse License Number VN 204387 to James Louis Mahloch ("Respondent"). The vocational nurse license expired on July 31, 2010, and has not been renewed.

**STATUTORY PROVISIONS**

3. Section 2875 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

1           4.     Code section 118, subdivision (b) provides, in pertinent part, that the expiration of a  
2 license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the  
3 period within which the license may be renewed, restored, reissued or reinstated. Under Code  
4 section 2892.1, the Board may renew an expired license at any time within four years after the  
5 expiration.

6           5.     Code section 2878 states, in pertinent part:

7                     The Board may suspend or revoke a license issued under this chapter [the  
8 Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the  
9 following:

10                    (a) Unprofessional conduct, which includes, but is not limited to, the  
11 following:

12                             (4) The use of excessive force upon or the mistreatment or abuse of any  
13 patient. For the purposes of this paragraph, "excessive force" means force clearly in  
14 excess of that which would normally be applied in similar clinical circumstances.

15                             (f) Conviction of a crime substantially related to the qualifications,  
16 functions, and duties of a licensed vocational nurse, in which event the record of the  
17 conviction shall be conclusive evidence of the conviction.

#### 18   **COST RECOVERY**

19           6.     Code section 125.3 provides, in pertinent part, that the Board may request the  
20 administrative law judge to direct a licensee found to have committed a violation or violations of  
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
22 enforcement of the case.

#### 23   **FIRST CAUSE FOR DISCIPLINE**

##### 24   **(Criminal Conviction)**

25           7.     Respondent is subject to discipline pursuant to Code section 2878, subdivision (f), in  
26 that on February 8, 2010, in the Superior Court, County of Lassen, California, in the matter  
27 entitled *People v. James Louis Mahloch*, 2009, Case No. CR027110, Respondent was convicted  
28 by the court following his plea of no contest to a violation of Penal Code section 242 (battery  
against person of elder or dependent adult), a misdemeanor. The circumstances of the crime are  
that on or about February 26, 2009, while caring for resident W.P., who is a 68 year old resident  
diagnosed with Down Syndrome and Gastritis, Respondent rapped the resident on the head with

1 his knuckles. Such conduct is substantially related to the qualifications, functions, and duties of a  
2 licensed vocational nurse.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Excessive Force or Abuse of a Patient)**

5 8. Respondent is subject to discipline pursuant to Code section 2878, subdivision (a)(4),  
6 on the grounds of unprofessional conduct, in that on or about February 26, 2009, Respondent  
7 used excessive force upon or abused patient W.P., by rapping W.P. on the head with his knuckles.

8 **PRAYER**

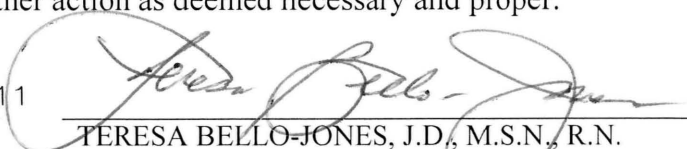
9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians  
11 issue a decision:

12 1. Revoking or suspending Vocational Nurse License Number VN 204387, issued to  
13 James Louis Mahloch;

14 2. Ordering James Louis Mahloch to pay the Board of Vocational Nursing and  
15 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,  
16 pursuant to Business and Professions Code section 125.3; and,

17 3. Taking such other and further action as deemed necessary and proper.

18 DATED: August 19, 2011

19   
TERESA BELLO-JONES, J.D., M.S.N., R.N.  
Executive Officer  
Board of Vocational Nursing and Psychiatric Technicians  
Department of Consumer Affairs  
State of California  
Complainant

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